

## EXHIBIT A

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - ReturnSTATE OF MICHIGAN  
56-B JUDICIAL DISTRICT  
JUDICIAL CIRCUIT  
COUNTY PROBATE

## SUMMONS AND COMPLAINT

CASE NO.

13-1578GC

Court address

206 West Court Street Suite 202 Hastings, MI 49058

Court telephone no.

(269) 945-1404

Plaintiff's name(s), address(es), and telephone no(s).

Seth Miller  
110 Florence St.  
Woodland, MI 48897  
616-773-8830

v

Defendant's name(s), address(es), and telephone no(s).

NCO Financial Systems, Inc  
Attn: John R. Schwab  
507 Prudential Road  
Horsham, Pennsylvania 19044

Plaintiff's attorney, bar no., address, and telephone no.

Pro Se

Sessions, Fishman, Nathan & Israel, L.L.C.  
Lakeway Two Suite 200, 3850 North Causeway Boulevard,  
Metairie, LA 70002-7227**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
10-14-13	01-13-14	<i>Cindy White</i> CINDY WHITE

\*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***Family Division Cases**

- ☒ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

**General Civil Cases**

- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

**VENUE**

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
110 Florence St. Woodland, MI 48897	507 Prudential Rd. Horsham, PA 19044
Place where action arose or business conducted	
Barry County, MI	

10/8/13  
Date*Seth Miller*  
Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

IN THE DISTRICT COURT 56-B  
JUDICIAL DISTRICT, IN AND FOR  
BARRY COUNTY, MICHIGAN

Seth Miller

Plaintiff

CASE# 13-1578GC

-v-

NCO FINANCIAL SYSTEMS, INC

Defendant

RECEIVED  
56B DISTRICT COURT  
OCT 08 2013

**COMPLAINT**

Plaintiff, Seth Miller, hereby sues Defendant, NCO FINANCIAL SYSTEMS, INC for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii). Fair Debt Consumer Practices Act (FDCPA) 15 U.S.C. § 1692d (5). Michigan Fair Debt Consumer Practices Act M.C.L. 339.915 (n).

**PRELIMINARY STATEMENT**

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(b)(1), 47 USC § 227(a) (iii). Fair Debt Consumer Practices Act (FDCPA) 15 U.S.C. § 1692d (5). Michigan Fair Debt Consumer Practices Act M.C.L. 339.915 (n).
2. Plaintiff contends that the Defendant, NCO FINANCIAL SYSTEMS, INC have violated such laws by repeatedly harassing Plaintiff in attempts to collect an alleged but nonexistent debt.

**JURISDICTION AND VENUE**

3. The jurisdiction of this Court is conferred by 15 U.S.C. §1681p, 15 U.S.C. §1692k and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1367.
4. Venue is proper pursuant to 28 U.S.C. §1391b. Venue in this District is proper in that the Plaintiff resides here, the Defendant transacts business here, and the conduct complained of occurred here.

**PARTIES**

5. Plaintiff, Seth Miller, is a natural person and is a resident of the State of Michigan.
6. Upon information and belief Defendant, NCO FINANCIAL SYSTEMS, INC. "NCO" is a Foreign Corporation, authorized to do business in Michigan.

**FACTUAL ALLEGATIONS**

7. Defendant placed constant and continuous calls to Plaintiff of an alleged debt for a Credit One credit card.
8. Defendant placed collection calls to Plaintiff's cell phone number 616-773-8830 from telephone numbers 313-444-2907, 410-881-5456, and 443-599-8975.
9. From December 22, 2012 thru January 2, 2013, NCO FINANCIAL SYSTEMS, INC violated the TCPA by calling Plaintiff's cell phone 10 times with no prior permission given by Plaintiff.

**COUNT I  
VIOLATIONS OF THE TELEPHONE  
COMMUNICATIONS ACT 47 U.S.C. §227  
BY DEFENDANT NCO FINANCIAL SYSTEMS, INC**

10. Plaintiff alleges and incorporates the information in paragraphs 1 through 9.

11. Defendant NCO FINANCIAL SYSTEMS, INC has committed 10 separate violations of 47 U.S.C. §227(b) (1) (A) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b) (3) (B).

12. Plaintiff and NCO FINANCIAL SYSTEMS, INC do not have an established business relationship within the meaning of 47 U.S.C. §227.

**COUNT II**  
**VIOLATION OF FAIR DEBT COLLECTION**  
**PRACTICES ACT (FDCPA), 15 U.S.C. §1692**  
**BY DEFENDANT NCO FINANCIAL SYSTEMS, INC**

13. Plaintiff alleges and incorporates the information in paragraphs 1 through 12.

14. Plaintiff is a consumer within the meaning of the FDCPA, 15 U.S.C. §1692a (3)

15. Defendant NCO is a debt collector within the meaning of the FDCPA, 15 U.S.C. §1692a (6).

16. Defendant violated the FDCPA. Defendant violated the following:

(a) Defendant violated 15 U.S.C. § 1692 d (5) Caused the phone to ring or engaged any person in telephone conversations repeatedly.

**WHEREFORE**, Plaintiff demands judgment for damages against NCO FINANCIAL SYSTEMS, INC for actual or statutory damages.

**COUNT III**  
**VIOLATIONS OF MICHIGAN FAIR DEBT COLLECTION PRACTICES ACT**  
**M.C.L. 339.901 et seq. BY DEFENDANT NCO FINANCIAL SYSTEMS, INC**

17. Plaintiff alleges and incorporates the information in paragraphs 1 through 16.
18. Plaintiff is a consumer within the meaning of M.C.L. 339.901 (f)
19. NCO is a collection agency within the meaning of M.C.L. 339.901 (b)
20. Defendant violated M.C.L. 339.915 (n) by causing a telephone to ring or engaged any person in telephone conversations repeatedly.

**WHEREFORE**, Plaintiff demands judgment for damages against NCO FINANCIAL SYSTEMS, INC for actual or statutory damages of \$15,500, any attorney's fees, and costs.

Respectfully submitted this 5<sup>th</sup> of October, 2013.



Seth Miller  
110 Florence St.  
Woodland, MI 48897  
616-773-8830  
millersg@outlook.com